

REMARKS

Claims 1-9, 12, 14 and 15 have been canceled. No new claims have been added. Claims 12, 14 and 15 have been canceled by way of this response. Thus, claims 10, 11, 13, and 16-18 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 103:

Claims 10-18 stand rejected under 35 U.S.C § 103(a) as being obvious over Johnson (USPN 6,788,980) in view of Stephenson et al. (US2002/0023143).

Applicants' Claim 10 recites:

a first firewall in the mobile operating and monitoring device for securing the radio based data transmission from the automation components with the radio access point to the mobile operating and monitoring device

and

a second firewall in the automation component with the radio access point for securing the radio based data transmission from the mobile operating and monitoring device to the automation component with the radio access point

As admitted by the Examiner Johnson does not disclose or suggest the use of a firewall. The reference Stephenson et al. relates generally to the exchange of data between networks. More particularly, to sending information beyond a firewall (see paragraph 0002). Firewalls, while protecting data behind them, can be cumbersome to coordinate during the transfer of information between networks using them (see paragraph 0004). Stephenson discloses the use of firewalls between different networks:

- private networks and a public network (see FIG 1);
- private networks and a common network (see FIG 2);

a corporate network, a public network, a campus network and a building network (see FIG 3).

In contrast, the claimed invention as claimed in claim 10 teaches the use of two firewalls for a radio based data transmission, wherein the data transmission has at least two communication sides one for sending and one for receiving data. According to the invention there is a firewall at each side of the communication connection:

a first firewall in the mobile operating and monitoring device

and

a second firewall in the automation component with the radio access point

so that the communication connection itself is surrounded by firewalls.

As shown in FIG 1 to 3 Stephenson in contrast teaches to use one and not two firewalls between networks. Stephenson does not teach or suggest the use two firewalls between the two sides of a communication connection.

The Examiner contends Stephenson et al. teaches in paragraph [0045] that the implementation of the two firewalls can be used in a wireless, i.e. mobile, environment. Stephenson merely teaches the use of a wireless connection for communication instead of a wired connection. If the teaching of Stephenson et al. using firewalls for wired connections would be applied to a wireless connections this would result in using one firewall between a e.g. a Palm Pilot or other handheld and an other communication partner. Stephenson et al. does not disclose or suggest the use of two firewalls for a wireless communication connection, one firewall on a first side of the wireless communication connection and a second firewall on the second side of the wireless communication connection.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. To reject a claim based on a combination of prior art elements, Office personnel must resolve the Graham factual inquiries. Then, Office personnel must articulate the following:

(1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; [...] (see MPEP 2143)

None of the prior art discloses all the cited limitations as shown above alone or in combination. Thus, Applicants believe that the cited references do not alone or in combination disclose or suggest the claimed invention. The dependent claims include all the limitations of the respective independent claim to which they refer. Thus, Applicants believe that all pending claims are allowable, wherein the dependent claims are allowable at least to the extent of the respective independent claim. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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